

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JEROME ALVIN ANDERSON,

Petitioner,

No. CIV S-00-2494 WBS DAD P

vs.

C. A. TERHUNE,

Respondent.

ORDER

Petitioner is a state prisoner proceeding through counsel with this application for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. On October 15, 2004, petitioner's application for a writ of habeas corpus was denied. On October 22, 2008, the United States Court of Appeals for the Ninth Circuit reversed the denial of the habeas petition and remanded the matter to this court with instructions to grant the petition.

In accordance with the above, IT IS HEREBY ORDERED that:

1. Petitioner's application for a writ of habeas corpus is granted; and

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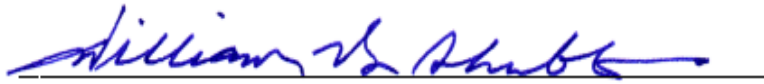
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2. Respondent shall release petitioner from custody within ninety days from the date of this order unless the petitioner has been arraigned and a new trial date set.

DATED: November 3, 2008

A handwritten signature in blue ink, reading "William B. Shubb", is written over a horizontal line.

WILLIAM B. SHUBB
UNITED STATES DISTRICT JUDGE

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